

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ENERGY MICHIGAN, INC., and  
ASSOCIATION OF BUSINESSES  
ADVOCATING TARIFF EQUITY,

Plaintiffs,

v.

Case Number 20-12521  
Honorable David M. Lawson

MICHIGAN PUBLIC SERVICE  
COMMISSION, DANIEL C. SCRIPPS,  
SALLY A. TALBERG, and  
TREMAINE L. PHILLIPS,

Defendants,

and

CONSUMERS ENERGY COMPANY,

Intervening defendant.

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**ORDER GRANTING IN PART MOTION TO DISMISS**

This matter is before the Court on the defendants' motion to dismiss. According to the submissions of the parties and counsels' statements at oral argument, held via video conferencing technology on March 16, 2021, the plaintiffs agree that this Court has no jurisdiction over the claim against defendant Michigan Public Service Commission because of the immunity conferred by the Eleventh Amendment. At the conclusion of the hearing, the Court announced from the bench its decision to grant in part the defendants' motion as to that party only.

Accordingly, **ORDERED** that the defendants' motion to dismiss (ECF No. 20) is **GRANTED IN PART** for the reasons stated on the record.

It is further **ORDERED** that the complaint against defendant Michigan Public Service Commission, only, is **DISMISSED WITHOUT PREJUDICE**. The defendants' motion remains under advisement in all other respects.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: March 17, 2021